IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 20TH DECEMBER 2006 / 29TH AGRAHAYANA 1928

WP(C).No. 33935 of 2006(M)

PETITIONER:

THE AKATHETHARA SERVICE CO-OP. BANK
LTD. NO.F.1514, P.O. AKATHETHARA,
PALAKKAD DISTRICT, REP. BY ITS PRESIDENT.

BY ADV. SRI.M.P.ASHOK KUMAR

RESPONDENTS:

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1. STATE OF KERALA, REP. BY THE
CHIEF SECRETARY, SECRETARIAT, TRIVANDRUM.

2. THE JOINT REGISTRAR OF CO-OPERATIVES
SOCIETIES, PALAKKAD.

BY SR. GOVT. PLEADER SRI P.N. SANTHOSH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.M. JAMES, J.

W.P.(C) No.33935 of 2006

Dated this the 20th December, 2006.

J U D G M E N T

The writ petitioner, the Society, represented by its President, apprehends that the respondents may suspend or supersede the society, for the reasons otherwise than as per the Kerala Co-operative Societies Act, 1969, in short 'the Act', and the rules framed thereunder. Hence, it is prayed that an order prohibiting the respondents from superseding or suspending the writ petitioner may be issued.

2. However, it is brought to my notice that an enquiry is being conducted by the second respondent under Section 65 of the Act. The learned counsel appearing for the writ petitioner submitted that the writ petitioner Society is fully co-operating with such an enquiry. On hearing, the learned counsel for the writ petitioner apprehends that without hearing them, the Society may be superseded or suspended. The prayer is, therefore, any action that may be taken

consequent on the result of the enquiry under Section 65 of the Kerala Co-operative Societies Rules, 1969, in short 'the Rules', may only be after issuing notice to the writ petitioner Society.

3. The learned Government Pleader, on the other hand, submitted that there are procedures laid down under Section 32 of the Act, regarding the procedure for supersession, and the second respondent is bound to follow the said provisions contained under Section 32 of the Act.

4. After hearing both sides, and considering the facts that are placed before me, notwithstanding Section 32(3) of the Act, I dispose of the writ petition, directing the second respondent to give notice to the writ petitioner Society, if the second respondent proposes to take any action under Section 32 of the Act, consequent on the enquiry under Section 65 of the Act.

J.M. JAMES,
JUDGE

nj.